

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 33.1-90 of the Code of Virginia, relating to acquisition of real property*  
3 *for transportation purposes.*

4 [H 708]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 33.1-90 of the Code of Virginia is amended and reenacted as follows:**8 § 33.1-90. Acquisition of real property which may be needed for transportation projects; sale of  
9 certain real property.

10 A. When the Commonwealth Transportation Commissioner determines that any real property will be  
11 required in connection with the construction of a transportation project, or project as defined in  
12 § 33.1-268, within a period not exceeding twelve years for the Interstate Highway System or ten years  
13 for any other highway system or transportation project from the time of such determination, and that it  
14 would be advantageous to the Commonwealth to acquire such real property, he may proceed to do so.  
15 The Commonwealth Transportation Commissioner may lease any real property so acquired to the owner  
16 from whom such real property is acquired, if requested by him, and if not so requested, to another  
17 person upon such terms and conditions as in the judgment of the Commissioner may be in the public  
18 interest. If the transportation project contemplated, or project as defined in § 33.1-268, has not been let  
19 to contract or construction commenced within a period of twenty years from the date of the acquisition  
20 of such property and a need for the use of such property has not been determined for any alternative  
21 transportation project, upon written demand of the owner or owners, their heirs or assigns, received  
22 within ninety days from the expiration of such twenty-year period or such extension as provided for in  
23 this section or within thirty days from publication in a newspaper of general circulation in the political  
24 subdivision in which the property is located of a notice of the Commissioner's intent to dispose of such  
25 property and shall notify to the extent practical, the last known owner(s) of said property by certified  
26 mail, such property shall be reconveyed by the Commonwealth of Virginia to such owner or owners,  
27 their heirs or assigns, upon repayment of the original purchase price, without interest. Unless the  
28 reconveyance is concluded no later than six months from the receipt by the Commissioner of a written  
29 demand, the reconveyance opportunity shall lapse. However, the twenty-year limit established by this  
30 section within which the Department must let to contract or begin construction in order to avoid  
31 reconveyance shall be extended by the number of days of delay occasioned by litigation involving the  
32 project or by the failure of the Commonwealth to receive anticipated federal funds for such project. The  
33 twenty-year limit may also be extended in those instances when a project is included in the six-year  
34 improvement program of the Commonwealth Transportation Board or the six-year improvement program  
35 for secondary roads prepared by the county boards of supervisors and where steps have been taken to  
36 move forward. No such reconveyance shall be required for rights-of-way acquired for future  
37 transportation improvements at the request of local governing bodies; or for rights-of-way acquired for  
38 state construction designed to provide future additional lanes or other enhancements to existing  
39 transportation facilities.

40 B. If any real property acquired under this article for use in connection with a transportation project  
41 is subsequently offered for sale by the Department and such property is suitable for independent  
42 development, the Department shall offer the property for sale at fair market value to the owner from  
43 whom it was acquired, before such property is offered for sale to any other person. The Commissioner  
44 shall notify, to the extent practicable, the last known owner of such property by certified mail, and the  
45 owner shall have thirty days from the date of such notice to advise the Commissioner of his interest in  
46 purchasing the property. The purchase of the property by the owner from which it was acquired is to be  
47 concluded no later than six months from the receipt by the Commissioner of a written notice, or the  
48 purchase opportunity shall lapse. The provisions of this subsection shall apply only to property to which  
49 the provisions of subsection A of this section do not apply.

50 C. Subsection B of this section shall not apply to Department projects carried out in cooperation  
51 with the United States Army Corps of Engineers as part of a nonstructural flood control project. No  
52 property acquired by the Commonwealth under this article in connection with such a project shall  
53 subsequently be offered for sale by the Commonwealth, but, if such property is no longer needed by the  
54 Commonwealth for such project, shall be conveyed to the locality in which such project is located and  
55 used in connection with the redevelopment. Should property not be used for economic development,  
56 property will revert to the Commonwealth and shall be used for any purposes deemed appropriate

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**57** *including resale.*